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FACSIMILE TRANSMISSION

DATE: April 4, 2005 MATTER NUMBER: 01030 10109097

RECIPIENT(S):	FAX NO.:	PHONE NO.:
Examiner Fozia M. Hamud **Art Unit 1647** **Commissioner for Patents**	**1571-273-0884** **and** **1703-872-9306**	**1571-272-0884**

FROM: Norman Hanson FLOOR: 24

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RE: **U.S. Serial No. 10/026,106**
LUD 5752

NUMBER OF PAGES INCLUDING COVER PAGE: 9

Message:

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CERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this correspondence is being transmitted via FACSIMILE pursuant to 37 CFR 1.8 to Group 1647, Examiner Fozia M. HAMUD of the Commissioner for Patent at (571) 273-0884 and (703) 872-9306 on April 4, 2005.

Fani Malikouzakis
(Name of Transmitter) (Signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Jean-Christophe RENAULD et al.

Group Art Unit: 1647

US Serial No.: 10/026,106

Examiner: Fozia M. HAMUD

Filing Date: December 21, 2001

Confirmation No. 7513

For: ISOLATED CYTOKINE RECEPTOR LICR-2

RESPONSE TO OFFICE ACTION
(37 C.F.R. § 1.111)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is submitted in response to the Office Action of January 10, 2005. No amendments are proffered herewith.

The Examiner has maintained rejections under 35 U.S.C. § 101/112. The Examiner's position has been considered, and reconsideration is requested, for the reasons which follow.

The Examiner asserts that the fact that the molecule at issue, i.e., LICR-2, activates STATs, is not a sufficient utility because "a variety of molecules activate STATs."

Applicants do not dispute this; however, they again call upon the Examiner to supply a statute, case, or regulation that states that, for a compound to exhibit utility under 35 U.S.C. § 101, it must be the only molecule known to have that activity.

Applicants are entitled to this information. If an Examiner raises a rejection, applicants are entitled to see the support underlying the rejection. If the support cannot be provided, the rejection should be withdrawn.

The Examiner also asserts that "because one of ordinary skill in the art would not know which physiological process is (sic) the protein of the instant invention (sic; is) involved in" there is no proven utility. Again, there is no basis for this novel approach to the utility requirement. The fact that LICR-2 activates a molecule involved in therapeutic processes is a substantial activity. The Examiner's position is not sustainable.

Notwithstanding these filings, applicants would like to bring the Examiner's attention to further utilities, as discussed in the specification. Specifically, LICR-2 is a binding partner for *AK*155, which is linked to Herpes virus saimiri infection. Please note page 2, lines 15-19, page 7, last paragraph of example 6, page 19, first paragraph, page 20 in toto.

Appended hereto is a copy of Knappe, et al., *J. Virol.*, 74(8): 3881-3887 (2000), discussing the fact that *ak*155 is a marker for Herpes virus saimiri infection.

It is submitted that the fact that LICR-2 acts as a binding partner for *ak*155 clearly provides utility of the type requested by the Examiner - which is well more than the statute requires.

In view of this, it is believed that the rejection cannot be sustained, and allowance of this application is proper and is urged.

Respectfully submitted,

By _____
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Attachment: Knappe et al. Reference